

ENTERED

August 16, 2024

Nathan Ochsner, Clerk

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

| | | |
|------------------|---|------------------------|
| PSHATOIA LAROSE, | § | CIVIL ACTION No |
| Plaintiff | § | 4:24-cv-00159 |
| | § | |
| | § | |
| vs. | § | JUDGE CHARLES ESKRIDGE |
| | § | |
| | § | |
| WAL-MART STORES | § | |
| TEXAS LLC, | § | |
| Defendant. | § | |

**ORDER ADOPTING
MEMORANDUM AND RECOMMENDATION**

Plaintiff initiated this lawsuit in state court, and Defendant Wal-Mart Stores Texas, LLC, removed it to this federal court on the basis of diversity jurisdiction. Dkt 1.

A hearing was held on June 25, 2024, at which Plaintiff appeared and testified. A motion to allow withdrawal of Plaintiff's counsel was granted. The complaint was also stricken, with Plaintiff ordered to file an amended complaint, *pro se* or by new counsel, by July 16, 2024. The matter was referred for pretrial management to Magistrate Judge Christina A. Bryan. Dkt 26.

Pending is a Memorandum and Recommendation by Magistrate Judge Bryan recommending that this case be dismissed with prejudice due to Plaintiff's willful non-compliance with the order of June 25th. Dkt 35. Plaintiff filed objections. Dkt 40.

The district court reviews *de novo* those conclusions of a magistrate judge to which a party has specifically objected. See FRCP 72(b)(3) & 28 USC §636(b)(1)(C); see also *United States v Wilson*, 864 F2d 1219, 1221 (5th Cir 1989, *per curiam*). The district court may accept any other portions to which there's no objection if satisfied that no

clear error appears on the face of the record. See *Guillory v PPG Industries Inc*, 434 F3d 303, 308 (5th Cir 2005), citing *Douglass v United Services Automobile Association*, 79 F3d 1415, 1430 (5th Cir 1996, *en banc*); see also FRCP 72(b) advisory committee note (1983).

Plaintiff's "Response and Objection" does not contain specific written objections to Judge Bryan's Memorandum and Recommendation. Plaintiff instead argues that she needs more time to find new counsel and that she didn't receive a copy of the Memorandum and Recommendation because she lives out of state. She also accuses court staff, without substantiation, of delaying responses to her inquiries. See Dkt 40.

The obligation and responsibility are upon Plaintiff to update her address with the court. See LOCAL RULE 83.4. In any event, the attachments to Plaintiff's "Response and Objection" confirm that court staff have been timely and courteous in responding to her emails. Dkt 40


The objections by Plaintiff are OVERRULED. Dkt 40.

The Memorandum and Recommendation of the Magistrate Judge is ADOPTED as the Memorandum and Order of this Court. Dkt 35.

This action will be dismissed with prejudice. A final judgment will enter by separate order.

SO ORDERED.

Signed on August 16, 2024, at Houston, Texas.


Hon. Charles Eskridge
United States District Judge